(22)

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/130
10 March 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 25 February 1994 from the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia addressed to the Chairman of the Commission on Human Rights

I received a copy of the letter dated 18 February 1994 from Mr. Cherif Bassiouni to you.

I have noted the importance of the information contained therein and I believe that the letter should be issued as an official document of the Commission on Human Rights and distributed accordingly. Mr. Bassiouni has assured me that he is in agreement with this proposal.

(Signed) Tadeusz Mazowiecki

Dear Mr. Chairman,

In keeping with the tradition of close cooperation with United Nations bodies and the United Nations Centre for Human Rights, I would like to give you a brief description of the activities of our Commission of Experts which was set up by the Secretary-General in October 1992 on the basis of the Security Council Resolution 780 (1992), with a view to provide him with conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

The activities of our Commission have since 1992 developed in two directions:

(a) Collecting, processing and analysis of information and development of a database;

(b) Selective in-depth investigations in the following general areas:

(i) Mass killings and destruction of cultural property;

(ii) Treatment of the detainees;

(iii) Systematic sexual assaults; and

(iv) "Ethnic cleansing".

The database now contains over 55,000 pages of documents and 4,800 "cases" representing thousands of alleged violations and incidents of victimization. The database operates on several levels and manages multiple categories and subcategories of information, such as the violations alleged; victim, perpetrators and witness identification; source; evidence; and military identification data.

The cases already entered into the database reveal that alleged violations of international humanitarian law, mostly against the civilian population, have affected thousands of individuals on all sides of the conflicts in the territory of the former Yugoslavia, though varying significantly as to the victims and perpetrators. The majority of reported violations concern killings, torture, rape, kidnapping/hostage-taking, forced eviction and imprisonment, destruction of private and cultural property.

In order to verify allegations of grave breaches and other violations of international humanitarian law contained in the numerous reports received by the Commission, over a dozen investigative missions have been undertaken to

To: H.E. Mr. Peter Van Wulften Palthe
Chairman, United Nations Commission on Human Rights

Copy to: Mr. Ibrahima Fall
Assistant Secretary-General
United Nations Centre for Human Rights
Geneva

cover the four main fields of its investigative activities mentioned above. I shall give two examples of major investigatory projects conducted by the Commission.

Mass grave investigations. The Commission conducted preliminary on-site investigations in United Nations Protected Areas in Sector East and Sector West. Remains of several bodies were found and, despite many obstacles, the Commission was fully willing to continue its efforts to finalize these investigations. But after the Commission was informed at the beginning of 1994 that it would have to conclude its work by 30 April 1994, we had to cancel our further preparatory missions and the Commission will consult with the head of the prosecutorial office of the International Tribunal for the former Yugoslavia regarding arrangements to assure completion of both mass graves investigations.

Sexual assaults investigation. Already for some time the Commission has been preparing for interviews with alleged rape victims both in the former Yugoslavia and in refugee camps in a number of European countries. Female teams of investigators have been selected for that purpose. This concept was discussed by the Commission with the participation of a group of NGOs in October-December 1993. During these discussions the scope of the investigation was broadened and the final plan of the investigation included also extrajudicial executions, torture and other violations committed in detention camps; however, special emphasis will be given to allegations of sexual assaults. The active part of the investigation is taking place in February-March 1994.

The Commission has also undertaken a number of other selective investigatory projects - two missions were sent to Dubrovnik (May and November 1993) to investigate damage to cultural property and historical heritage; a specialized team of experts was sent to western Slavonia to investigate allegations of nuclear waste dumping (October 1993); an investigation was conducted into allegations of mass killings in the Medak pocket (October 1993), etc. Other aspects of the Commission's work and plans of action are described in the (second) Interim Report (S/26545) submitted by the Secretary-General to the Security Council on 6 October 1993.

Before the conclusion of its work at the end of April 1994, the Commission intends to complete a number of ongoing investigations. They include studies of the battle and siege of Sarajevo, sexual assault, "ethnic cleansing", prison camps, destruction of cultural property, and violations of international humanitarian law in the Prijedor area.

In conclusion I would like to assure you that the Commission has always highly appreciated the close cooperation it has had both with the Special Rapporteur on the former Yugoslavia of the Commission on Human Rights and with the Centre for Human Rights.

Yours sincerely,

(Signed) Mr. Cherif Bassiouni
Chairman
Commission of Experts established pursuant to
Security Council resolution 780 (1992)